

DAVID P. MASTAGNI, ESQ. (SBN 57721)
 DAVID E. MASTAGNI, ESQ. (SBN 204244)
**MASTAGNI, HOLSTEDT, AMICK,
 MILLER, JOHNSEN & UHRHAMMER**
A Professional Corporation
 1912 "I" Street
 Sacramento, California 95811
 Telephone: (916) 446-4692
 Facsimile: (916) 447-4614

Attorneys for Plaintiffs

DANA McRAE, State Bar No. 142231
 County Counsel, County of Santa Cruz
 JASON M. HEATH, State Bar No. 180501
 Assistant County Counsel
 BETSY L. ALLEN, State Bar No. 146386
 Assistant County Counsel
 701 Ocean Street, Room 505
 Santa Cruz, California 95060
 Telephone: (831) 454-2040
 Fax: (831) 454-2115

Attorneys for Defendant County of Santa Cruz

IN THE UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

JAMES BATES et al. acting for themselves)
 and others similarly situated,)
)
 Plaintiffs,)
)
 v.)
)
)
)
 COUNTY OF SANTA CRUZ,)
)
 Defendant.)
 _____)

Case No.: 5:08-cv-00557-JW

**STIPULATION AND [Proposed]
 ORDER RE: SENDING NOTICE OF
 ACTION**

WHEREAS, on January 25, 2008 plaintiff James Bates filed this lawsuit in the Northern District of California. The lawsuit has been pled as a collective-action, and as of the date below, approximately seventy-six (76) additional individuals have filed consents to be included as plaintiffs.

WHEREAS, Plaintiffs intend to file a motion requesting facilitated notice to similarly

1 situated employees pursuant to *Hoffman-Laroche Inc. v. Sperling*, 493 U.S. 165 (1989). If granted,
 2 there may be additional individuals who file consents to be included as individual plaintiffs.

3 NOW THEREFORE, the following is hereby stipulated and agreed upon by the parties to
 4 the above-entitled action and by their respective counsel:

5 1. Defendant will provide to Plaintiffs the names and last known addresses of all
 6 Corrections Officers, Supervising Corrections Officers and Corrections Sergeants employed by
 7 Defendant at any time from January 25, 2005 until the present. The parties agree that for purposes
 8 of this Notice of action only, the individuals identified above may be similarly situated to the
 9 existing plaintiffs. 29 U.S.C. § 216(b).

10 2. The parties further agree that this stipulation is for notice purposes only, and does not
 11 and will not constitute an admission by Defendant with regard to any issue in this case, including
 12 whether the individuals identified above or the existing plaintiffs are similarly situated.

13 3. The parties agree to the form and content of the proposed Notice, attached hereto as
 14 Exhibit "A".

15 4. The parties agree that the attached Notice shall be sent to the persons identified above
 16 by first class mail with no additional materials or attachments included in the mailing.

17 5. The parties also agree that Defendant's counsel will promptly produce the
 18 information described in paragraph 1 above and Plaintiffs' counsel will promptly serve the persons
 19 identified above upon receipt from Defendant of that information.

20
 21 Dated: August 7, 2008

**MASTAGNI, HOLSTEDT, AMICK,
 MILLER, JOHNSEN & UHRHAMMER**

23 By: /s/ David E. Mastagni
 24 DAVID E. MASTAGNI
 25 Attorney for Plaintiffs.

26 Dated: August 7, 2008

DANA McRAE, COUNTY COUNSEL

27 By: /s/ Betsy L. Allen
 28 BETSY L. ALLEN
 Assistant County Counsel
 Attorneys for Defendants

STIPULATION AND [PROPOSED] ORDER RE: SENDING NOTICE OF ACTION

[Proposed] Order

The stipulation and [proposed] Order re Sending Notice of Action to “Similarly Situated” Individuals is hereby adopted by the Court as the Order of this Court and the parties are ordered to comply with this Order.

Hon. James Ware

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES BATES et al. acting for themselves
and others similarly situated,

Plaintiffs,

v.

Case No.: 5:08-cv-00557-JW

COUNTY OF SANTA CRUZ,

Defendant.

NOTICE

To: All persons who currently work or have worked for the County of Santa Cruz as Corrections Officers, Supervising Corrections Officers or Corrections Sergeants at any time from 1/25/2005, to the present.

CURRENT AND FORMER CORRECTIONS OFFICERS (“PLAINTIFFS”) HAVE SUED THE COUNTY OF SANTA CRUZ (“COUNTY”) CLAIMING THAT THE COUNTY FAILED TO PAY THEM FOR WORK DONE BEFORE AND AFTER THEIR PAID SHIFTS. THE PLAINTIFFS AND THE COUNTY HAVE AGREED TO NOTIFY ALL CURRENT AND FORMER CORRECTIONS OFFICERS, SUPERVISING CORRECTIONS OFFICERS AND CORRECTIONS SERGEANTS ABOUT THIS LAWSUIT. THIS NOTICE AND ITS CONTENTS HAVE BEEN AUTHORIZED BY THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA (THE

1 **“COURT”). THE COURT HAS TAKEN NO POSITION IN THIS CASE AS TO**
2 **WHETHER PLAINTIFFS’ CLAIMS ARE VALID. BY AUTHORIZING THIS NOTICE**
3 **THE COURT NEITHER ENCOURAGES NOR DISCOURAGES YOU FROM JOINING**
4 **THIS LAWSUIT.**

5 **THE PURPOSE OF THIS NOTICE IS TO INFORM YOU OF THE EXISTENCE OF**
6 **THE LAWSUIT AND YOUR RIGHT TO JOIN THE LAWSUIT, IF YOU CHOOSE TO DO**
7 **SO.**

8 1. This Notice is to inform you that you potentially are “similarly situated” to the
9 named Plaintiffs in this lawsuit, to advise you how your rights may be affected by this lawsuit, and
10 to instruct you on the procedure for participating in this lawsuit, if you decide that it is appropriate
11 to do so.

12 2. On January 1, 2008, James Bates filed a complaint in the United States District Court
13 for the Northern District of California, against the County. The complaint alleges that Plaintiffs are
14 entitled to additional pay under the federal Fair Labor Standards Act (“FLSA”).

15 3. The lawsuit alleges the County violated the FLSA by failing to pay Plaintiffs the full
16 amount due for all regular and overtime hours worked. Plaintiffs allege the County violated the
17 FLSA by requiring Plaintiffs to arrive to work approximately 30 minutes or more before the
18 beginning of their scheduled shifts to perform uncompensated work, including putting on their
19 uniforms and duty belts, transporting themselves to the booking station and then to their
20 workstations, “passing down” gear from outgoing officers and receiving a briefing from outgoing
21 officers. Plaintiffs further allege that the County violated the FLSA by requiring Plaintiffs to
22 perform uncompensated work at the end of their shifts for approximately ten minutes or more,
23 including briefing incoming officers, exchanging keys, walking to the locker room and removing
24 their uniforms and safety gear. Plaintiffs claim they are entitled to recover unpaid wages and
25 overtime from January 1, 2005, to the present, plus liquidated damages in an equal amount, and
26 prejudgment interest, attorneys’ fees and costs, for this uncompensated work.

27 4. If you currently work or have worked for the County as a Corrections Officer or
28 Corrections Sergeant at any time from 1/25/2005, and you believe that you were not compensated

1 for work performed prior to the start of your scheduled shift or after your scheduled shift, you may
2 join this lawsuit.

3 5. If you wish to join in this lawsuit, a "Consent to Be Included as an Individual
4 Plaintiff" must be filed with the Court. If you choose to be represented by Plaintiffs' counsel, you
5 must contact Plaintiffs' counsel in sufficient time to have Plaintiffs' counsel file a "Consent to Be
6 Included as an Individual Plaintiff" with the Court. If you do not timely file a "Consent to Be
7 Included as an Individual Plaintiff" with the Court, you may not be able to participate in this
8 lawsuit.

9 6. If you join in this lawsuit, you may receive any money or benefits that may result
10 from a trial or settlement; however, you give up your right to file a separate lawsuit and you will be
11 bound by the outcome, whether it is favorable or unfavorable. While this lawsuit is proceeding, you
12 may be required to respond under oath to written questions, produce relevant documents, testify in
13 depositions, and/or testify in court.

14 7. If you choose not to join the lawsuit, you will not be affected by the outcome,
15 whether it is favorable or unfavorable. If you do not join the lawsuit, you will not receive any
16 money or benefits that may result from a trial or settlement. You may file your own separate
17 lawsuit and would only receive money or benefits if you prevail on your separate claims. The
18 FLSA requires that any claims for overtime compensation must be filed, if at all, in a state or
19 federal court within two years (or within three years if the violation was willful as defined by law).
20 Any claims for overtime pay under federal law that are not filed within these limits are likely to be
21 denied as untimely.

22 8. The existing Plaintiffs in this case are represented by attorneys David P. Mastagni,
23 David E. Mastagni and David King of the firm MASTAGNI, HOLSTEDT, AMICK, MILLER,
24 JOHNSON & UHRHAMMER, A Professional Corporation, 1912 I Street, Sacramento, CA, 95811;
25 Telephone: 916-446-4692; Fax: 916-447-4614. For further information about this Notice, or the
26 procedure for joining this action, you may contact the attorneys identified above.

27 9. Federal law prohibits the County of Santa Cruz from taking adverse action against
28 persons who have exercised their rights under the FLSA to participate in this lawsuit.